

WYCOMBE DISTRICT COUNCIL

PROCEDURE AT ORAL HEARINGS BEFORE THE COUNCIL'S LICENSING PANEL UNDER THE LICENSING ACT 2003

1. The Panel will be assisted on matters of law and procedure by their Legal Advisor ("the Legal Advisor") who will be one of the Council's Solicitors.
2. The Panel will be sent the report and associated papers in advance of the hearing and will come to the panel meeting having read the papers and familiarised themselves with the application.
3. The hearing will be in public, unless the Panel decide that it is in the public interest to exclude the public from all or part of a hearing. The Licensing Authority has determined that it is in the public interest to exclude the public, including all parties, from that part of the hearing when the Panel are deliberating in order to reach their decision.
4. The Chairman (or if he or she wishes, the Legal Advisor) will briefly explain the procedure to all parties and will introduce the Members of the Panel and other persons present. He or she will explain the role of the Panel and the Legal Advisor.
5. Any party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.
6. If a party is unrepresented, the Legal Advisor to the Panel may assist them in presenting their case and this assistance may include asking them Questions for the purpose of clarifying their representation.
7. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this in advance of the hearing. At the beginning of the hearing, the Panel will consider any such requests and confirm whether permission is granted for that person to speak.
8. The purpose of an oral presentation is for a party to amplify their written application or representation and no new representations should be made at the hearing. In order to ensure fairness, all parties will be given a reasonable period for their oral presentation (including presentations made by another person on their behalf). The Chairman will determine what constitutes a reasonable period. In the case of interested parties, where the representations relate to the same or similar issues, a spokesperson should be appointed where possible to speak on their behalf. The Panel's decision on the length of oral presentations is final.
9. The Panel will generally allow parties to ask questions of other parties and the procedure outlined below allows for this. However, the Panel may stop a party asking questions if they feel the questions are unnecessary. Parties are reminded to treat other parties with respect and any form of harassing or excessive questioning will not be tolerated. In such a case, the Chairman will ask the party to discontinue that type of questioning and may ask the party to leave if they are disrupting the proceedings.
10. Any person disrupting the proceedings, whether a party or not, may be asked to leave the hearing and will only be permitted to return on such conditions as the Panel shall specify.

11. At the commencement of the hearing the applicant will be given the opportunity to suggest any amendments they may wish to make to their application with a view to addressing issues raised within any representation.
12. If the Panel believe that a condition may be appropriate to deal with a particular representation, they may put this matter to the applicant. The condition may be subsequently imposed upon the licence, if granted, should the Panel consider it to be necessary.
13. ORDER OF ORAL PRESENTATIONS
 - a. The Licensing Officer will present the report on the application and outline any objections received. He or she will refer in particular to objections and representations where a party has chosen not to attend the hearing.
 - b. Any party may question the Licensing Officer.
 - c. The Panel may question the Licensing Officer.
 - d. Any responsible body having made a written representation may present their case.
 - e. Any other party may question a responsible body.
 - f. The Panel may question a responsible body.
 - g. An interested party, having made a written representation, may present their case.
 - h. Any other party may question an interested party.
 - i. The Panel may question an interested party.
 - j. The Applicant may present their case.
 - k. Any other party may question the Applicant.
 - l. The Panel may question the Applicant.
14. The Legal Advisor will raise any relevant legal points and if any are raised, the parties will have an opportunity to respond to any legal advice given.
15. The Panel, their Legal Advisor and any person present solely for the purpose of taking notes of the meeting will then withdraw or will require other persons, including all parties, to leave the room in order for the Panel to determine the application.
16. The Panel will come to a decision.
17. The Legal Advisor will by letter inform the Applicant, the Licensing Officer and any person who has made a representation (whether or not they were present at the meeting) of the Panel's decision within the time limits as set out in Regulations.